

Town Board Minutes

March 16, 2009

Meeting No. 9

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of March 2009, at 6:30 PM and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
NEIL CONNELLY, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF THE
BENDERSON DEVELOPMENT COMPANY, LLC SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Benderson Development Company, LLC site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately one (1) acre.

The location of the premises being reviewed is 4931 Transit Road, County of Erie, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER CONNELLY, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION

BENDERSON DEVELOPMENT COMPANY, LLC SITE PLAN

NEGATIVE DECLARATION

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - It is noted that construction will occur on land where the depth to water table is 1.5 feet.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - The development will create a demand for additional police and fire services.
 - The development will create employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

March 16, 2009

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER CONNELLY	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
*PLANNING BOARD CHAIRMAN KEYSA	RECUSED

The Notice of Determination was thereupon adopted.
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Because he represents a client who holds a mortgage on property adjacent to the subject action, Planning Board Chairman Keysa recused himself from any and all discussion, participation and voting with regard to this matter.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF
81 & 3 OF FLORIDA REZONE**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the 81 & 3 of Florida rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Positive Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 20 acres.

The location of the premises being reviewed is 5497 Genesee Street, County of Erie, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER ABRAHAM WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING BOARD
MEMBER SZYMANSKI, TO WIT:

RESOLVED, that the following Positive Declaration be adopted:

**NOTICE OF DETERMINATION
81 & 3 OF FLORIDA REZONE
POSITIVE DECLARATION**

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a potentially large physical change to the project site.
It is noted that:
 - Construction will occur on land where the depth to the water table is less than three feet.
 - Construction will occur on land where bedrock is exposed or generally within three feet of existing ground surface.
 - Construction will involve more than one phase.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action have a potentially large impact upon a water body designated as protected.
It is noted that:
 - The developable area of the site contains a protected water body.
 - The potential extension of utility distribution facilities through a protected body of water.
 - Construction may occur in a designated freshwater or tidal wetland.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a potentially large impact on surface or ground water quality or quantity.
It is noted that:
 - A State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
 - The proposed action will adversely affect groundwater.
 - The proposed action will use 65,000 gallons of water per day.
 - The proposed action will allow residential uses in areas without water and/or sewer services.
6. The proposed action will have a potentially large impact on drainage flow patterns or surface water runoff.
It is noted that:
 - The action will change flood water flows.
 - The action is incompatible with existing drainage patterns.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.
It is noted that herbicide or pesticide will be applied more than twice a year for non-agricultural purposes.

9. The proposed action will have a small to moderate impact on non-threatened or non-endangered species.
It is noted that the proposed action may interfere with resident or migratory fish, shellfish or wildlife species.
10. The proposed action will have a small to moderate impact on agricultural land resources.
It is noted that the proposed action would:
 - sever, cross or limit access to agricultural land.
 - cause the excavation or compaction of the soil profile of agricultural land.
 - irreversibly convert more than ten acres of agricultural land, or if located in an agricultural district, more than 2.5 acres of agricultural land.
11. The proposed action will have a small to moderate impact on aesthetic resources.
It is noted that the proposed land uses:
 - are in sharp contrast to current surrounding land use.
 - are visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
12. The proposed action will have a potentially large impact on a structure of historic, pre-historic or paleontological importance.
It is noted that the proposed action may occur:
 - wholly or partially within or substantially contiguous to a facility or site listed on the State or National Register of historic places.
 - in an area designated as sensitive for archaeological sites on the New York State Site inventory.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems.
 - It is noted that the proposed action could result in major traffic problems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There may be a small to moderate impact with regard to objectionable odors, noise, or vibration as a result of this proposed action.
 - It is noted that blasting may occur within 1,500 feet of a sensitive facility.
18. The proposed action will not affect public health and safety.
19. The proposed action will not have a potentially large impact upon the character of the existing community.
It is noted that the proposed action:
 - conflicts with officially adopted plans or goals.
 - changes the density of land use.
 - increases the demand for additional school, police and fire services.
 - will create employment.

20. There is likely to be public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

March 16, 2009

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER CONNELLY	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon adopted.

March 16, 2009

ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA AND
SECONDED BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE
MEETING, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER CONNELLY	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:07 P.M.

Signed _____
Johanna M. Coleman, Town Clerk